

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

**WAIMONUSHUN SMITH
ADC #111026**

PLAINTIFF

v.

No. 5:14-cv-71-DPM

**RAY HOBBS, Director, Arkansas Department of
Correction; MARK CASHION, Warden, Randall L.
Williams Correctional Facility; PEGGY FALLS,
Mailroom Supervisor, Randall L. Williams Correctional
Facility; KERRY CLARK, Mailroom Clerk, Randall L.
Williams Correctional Facility; LARRY MAY, Department
Director, ADC; GRANT HARRIS, Department Director of
ADC; JONATHAN SMART, Lieutenant, Randall L. Williams
Correctional Facility; JOHN LOWE, Assistant Warden,
Tucker Unit; MOSES JACKSON, Assistant Warden, Varner
Unit; LORETHA WEST, Classification Supervisor, Randall L.
Williams Correctional Facility; TIFFANYE COMPTON,
Central Office Publication Review Committee, Central Office;
TAMI AIKEN, Central Office Publication Review Committee;
MAXCIE FOOTE, Major/Chief of Security, Randall L. Williams
Correctional Facility; RAYMOND NAYLOR, Internal Affairs,
Central Office; DENNICE ALEXANDER, Central Office
Publication Review Committee; JAN SCUSSEL, Central Office
Publication Review Committee; MARK WHEELER,
Administrator of Chaplaincy Services; DINA TYLER,
Assistant Director; and GARY MUSSELWHITE,
Security Threat Group and PREA Coordinator**

DEFENDANTS

JUDGMENT

1. Smith's claims against Compton and Aiken are voluntarily dismissed without prejudice.

2. Smith's claims against Hobbs, May, Harris, Smart, Lowe, Jackson, West, Foote, Naylor, Alexander, Scussel, Wheeler, Tyler, and Musselwhite are dismissed without prejudice for failure to exhaust.

3. Smith's claims about magazine issues other than Rolling Stone 1159, Ebony July 2012, and Ebony June 2013 are dismissed without prejudice for failure to exhaust.

4. Smith's Equal Protection claims involving inmates Darrell Lovett and Jeremy Thompson are dismissed without prejudice for failure to exhaust.

5. Smith's official capacity claims for money damages are dismissed with prejudice based on sovereign immunity.

6. Smith's remaining claims against Cashion, Falls, and Clark are dismissed with prejudice based on qualified immunity.

So Ordered.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

4 February 2016